

DOCKET NO: 210829US2



#14
12-17-03
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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

TOMOFUMI KITAZAWA, ET AL.

: EXAMINER: TRAN, NHAN T.

SERIAL NO: 09/901,098 :

FILED: JULY 10, 2001

: GROUP ART UNIT: 2615

FOR: IMAGING APPARATUS, AND
METHOD AND DEVICE FOR SHAKE
CORRECTION IN IMAGING
APPARATUS

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RESPONSE TO ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species Requirement dated November 14, 2003, applicants elect, with traverse, the Species I of Figures 4-5, and applicants note that each of Claims 1, 6, 7, 8, and 10 are readable of the elected species.

Applicants traverse the outstanding Election requirement on the grounds that it has not been established that it be an undue burden to examine each of the noted inventions and claims together.

Under M.P.E.P. § 803, a restriction is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding Election requirement has not established that examining each of the currently-pending claims together would result in an undue burden.

M.P.E.P. § 803 specifically states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

The outstanding Election requirement has not established that each of the claims could be examined without an undue burden, and thus each of the noted inventions and claims should be examined on their merits.

An early and favorable action is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

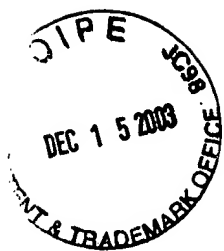


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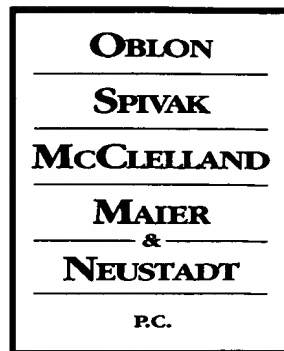
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COMMISSIONER FOR PATENTS
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RE: Application Serial No.: 09/901,098
Applicants: Tomofumi KITAZAWA, et al.
Filing Date: July 10, 2001
For: IMAGING APPARATUS, AND METHOD AND
DEVICE FOR SHAKE CORRECTION IN IMAGING
APPARATUS
Group Art Unit: 2615
Examiner: Tran, Nhan T.

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SIR:

Attached hereto for filing are the following papers:

RESPONSE TO ELECTION REQUIREMENT

Our check in the amount of **\$0.00** is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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